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MONTANA PUBLIC SERVICE COMMISSION

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PSC directs staff to move forward with examining rail safety program

HELENA, Mont. – April 19, 2016 – The Montana Public Service Commission voted 5-0 Tuesday, directing staff to move forward with plans to examine the state's rail safety program housed within the agency.

As the Commission has previously stated, state agencies have limited authority to enforce rail safety in the United States, as rail safety is primarily under federal jurisdiction. State involvement is limited to voluntary participation, with state inspectors enforcing Federal Railroad Administration (FRA) policy.

"It's important that the Commission first evaluate the safety risks that railroads face across Montana before we determine how best to improve the state's railroad safety program, and our action today allows us to do just that," said PSC chairman Brad Johnson, R-East Helena.

Within the limited authority of the Montana PSC, the Commission directed PSC staff to move forward with the following items regarding the agency's rail safety program.

1. Write and complete a state railroad safety risk assessment and associated state railroad safety action plan for presentation to the Commission within six months, incorporating the input and involvement of stakeholders in the completion of those documents.
2. Continue increased involvement and communication with National Association of State Rail Safety Managers with the goal of attending a national or regional meeting at least annually.
3. Continue attendance at Montana's State Emergency Response Committee (SERC) and membership in SERC's HazMat Subcommittee.
4. Authorize the Regulatory Division Administrator to fill the currently open railroad inspector position with a specialist in motive power and equipment (MP&E) inspection.
5. Provide quarterly work session updates to the Commission.

Speaking to the Commission's action, Commissioner Roger Koopman, R-Bozeman, said,

"The Commission took a major step forward today, in our ongoing commitment to railroad safety. To me, this is an enormously important undertaking, given the growing concerns over hazardous substances traveling by rail through our communities and along our river banks. We must do it right. On the one hand, the PSC's ability to act is greatly hampered, both by federal takeover and by legislative funding that limits us to less than two full-time inspectors. This study will address those issues, and many others. In the meantime, the Commission will be providing critical leadership in the coordination of railroad company, state and federal agency efforts, and by conducting a thorough analysis of railroad risks and safety solutions across every corner of our state."

Following the completion of the risk assessment and safety plan, the Commission will determine action regarding the possibility of requesting funds during the next legislative session to increase resources available for the rail safety program, which could include hiring additional inspectors.

To view the Commission's investigative docket on railroad safety, visit: <http://1.usa.gov/22L2laa>

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